

Exhibit 5

CASSIDY MONTANA WOOD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGEBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, and
CASSIDY WOOD,

Plaintiffs,

- against - Case No.
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Examination before trial of **CASSIDY MONTANA WOOD**, Plaintiff, taken pursuant to the Federal Rules of Civil Procedure, in the law offices of HODGSON RUSS LLP, The Guaranty Building, 140 Pearl Street, Suite 100, Buffalo, New York, on August 23, 2024, commencing at 9:37 a.m., before LYNNE E. DIMARCO, Notary Public.

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1 APPEARANCES: LAW OFFICE OF DANIELA NANAU, P.C.,
2 By DANIELA NANAU, ESQ.,
3 89-03 Rutledge Avenue,
4 Glendale, New York 11385-7935,
(888) 404-4975,
dn@danielananau.com,
Appearing for the Plaintiffs.

5 HODGSON RUSS LLP,
6 By CHRISTINE M. NAASSANA, ESQ.,
7 1800 Bausch & Lomb Place,
8 Rochester, New York 14604,
(585) 454-0700,
cnaassana@hodgsonruss.com,
Appearing for the Defendant.

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10:37:01 1 **A.** No.

10:37:01 2 **Q.** Okay. Okay. Ms. Wood, you first
10:37:39 3 attended college at Ohio State University, right?

10:37:42 4 **A.** Yes, correct.

10:37:43 5 **Q.** That's the Ohio State University in
10:37:45 6 Columbus, Ohio, correct?

10:37:47 7 **A.** Correct.

10:37:47 8 **Q.** Okay. When you were in high school,
10:37:55 9 where did you apply to college?

10:37:58 10 **A.** I didn't apply for very many schools.
10:38:02 11 I applied to Ohio State, I applied to I think UVA.
10:38:09 12 I applied to Duke. I applied to Ohio University in
10:38:13 13 Athens. I can't remember anywhere else I applied.

10:38:21 14 **Q.** Did you apply to Canisius when you were
10:38:23 15 still in high school, or not yet?

10:38:25 16 **A.** No, I did not.

10:38:31 17 **Q.** And you started at Ohio State in the
10:38:33 18 fall of 2016, right?

10:38:35 19 **A.** Correct.

10:38:39 20 **Q.** Did you start as any particular major
10:38:44 21 at Ohio State?

10:38:45 22 **A.** No, I was formerly undecided. I had
10:38:50 23 ideas for what I might be interested in. And one

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12:08:10 1 application process, or no?

12:08:11 2 **A.** No, there was not.

12:08:12 3 **Q.** Okay. Ms. Wood, who are some of the
12:08:49 4 other ABEC professors with whom you interacted
12:08:53 5 while at Canisius?

12:08:54 6 **A.** I would say I interacted most heavily
12:08:57 7 with Dr. Suchak, she was my advisor. Dr. Russell,
12:09:01 8 he was my research advisor after Noonan. And
12:09:05 9 Dr. Margulis, she obviously was the head of the
12:09:08 10 program and she also was the supervisor of my
12:09:13 11 senior capstone.

12:09:17 12 **Q.** What was your senior capstone?

12:09:20 13 **A.** It was a project related to wildlife
12:09:29 14 conservation and eco tourism in Kenya. And it
12:09:33 15 involved a trip to Kenya early -- or late in the
12:09:38 16 summer, early fall before my senior year at
12:09:42 17 Canisius. And subsequent like we developed
12:09:51 18 podcasts from that, yeah.

12:09:55 19 **Q.** So would that have been the summer of
12:09:58 20 2019?

12:09:58 21 **A.** Yes.

12:09:59 22 **Q.** Okay. Did that trip to Kenya, was it
12:10:02 23 known by any other name?

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12:10:04 1 **A.** No, not really. It was just -- she
12:10:08 2 typically does -- Margulis did like a South Africa
12:10:13 3 trip. This was the first trip she had ever done to
12:10:16 4 Kenya, so it wasn't really known.

12:10:19 5 **Q.** Where in Kenya did you go?

12:10:21 6 **A.** We flew into Nairobi and then we spent
12:10:26 7 some time in northern Kenya, Soysambu Conservancy,
12:10:28 8 Westgate Conservancy. I think we maybe went to
12:10:33 9 Lewa. We moved around quite a bit during our time
12:10:36 10 there.

12:10:36 11 **Q.** What did you do on that trip?

12:10:38 12 **A.** We met with local community partners,
12:10:43 13 we interfaced with the African network for animal
12:10:50 14 welfare. They were really the ones leading the
12:10:51 15 trip and giving us the opportunity to meet with
12:10:55 16 like local communities and different conservation
12:10:59 17 groups that they worked with.

12:11:00 18 **Q.** Did you generate any work product as a
12:11:04 19 result of this trip to Kenya?

12:11:06 20 **A.** Yeah, we made a -- we made podcasts.

12:11:16 21 **Q.** Did you take courses with Dr. Suchak,
12:11:19 22 Dr. Russell and Dr. Margulis?

12:11:21 23 **MS. NANAU:** Objection to form, you may

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12:11:23 1 answer.

12:11:24 2 **THE WITNESS:** Yes.

12:11:28 3 **BY MS. NAASSANA:**

12:11:29 4 **Q.** Are there any other ABEC professors
12:11:33 5 with whom you took a course?

12:11:37 6 **A.** No, not that I can recall.

12:11:40 7 **Q.** And when did you do research with
12:11:43 8 Dr. Russell?

12:11:46 9 **A.** I want to say it was the spring
12:11:52 10 semester of my junior year or it might have been
12:11:56 11 the fall semester of my senior year. It was
12:12:00 12 somewhere in like the later part of my time at
12:12:04 13 Canisius.

12:12:04 14 **Q.** Did you go -- strike that.

12:12:05 15 Did you go on any trips with any other ABEC
12:12:10 16 professors other than Dr. Noonan or Dr. Margulis?

12:12:14 17 **A.** No.

12:12:15 18 **Q.** And you said Dr. Suchak was your
12:12:17 19 academic advisor?

12:12:19 20 **A.** My academic advisor, yes.

12:12:34 21 **MS. NAASSANA:** Okay. May I have this marked
12:12:35 22 as Exhibit T.

12:12:35 23 **The following was marked for Identification:**

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12:43:05 1 trip progressed, he became increasingly like in an
12:43:10 2 escalating way more and more problematic.

12:43:13 3 And we were spending every -- every day and
12:43:15 4 every night and every waking moment we could get
12:43:16 5 away from him talking about him and what to do
12:43:20 6 about his behavior. And so it was a hundred
12:43:23 7 percent relevant to those conversations.

12:43:25 8 And I'm sure I mentioned it at some point,
12:43:29 9 because, again, we were already trying in India to
12:43:34 10 come to terms with who he was as a person and what
12:43:39 11 we needed to potentially do about it.

12:43:42 12 Q. When you were in India, did you share
12:43:45 13 that conversation that you had with Dr. Noonan with
12:43:47 14 your parents or siblings?

12:43:48 15 A. We didn't have connectivity to do so,
12:43:53 16 so, no, you know. The first place we stayed for
12:43:58 17 any significant length of time was Tiger Don
12:44:05 18 (phonetic) which is outside of Ranthambhore
12:44:05 19 National Park, and I think we had some Wi-Fi there.

12:44:08 20 But the -- as he progressed and got worse,
12:44:10 21 we had gone at that point to some lodge outside of
12:44:14 22 Kuno National Park and our only form of
12:44:17 23 connectivity was like one desktop computer in the

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12:44:22 1 lobby of the lodge that had like a 10-minute time
12:44:26 2 limit, was really slow, so we were really isolated.
12:44:29 3 There wasn't a way to really communicate what was
12:44:33 4 going on at that point to anyone.

12:44:35 5 **Q.** Okay. You mentioned that Dr. Noonan's
12:44:47 6 behavior on the trip was problematic. What do you
12:44:50 7 mean by that?

12:44:52 8 **A.** I mean he was rude and racist to the
12:44:55 9 guides and the locals, you know. For example, our
12:45:01 10 guide, Manjeet, actually took it upon himself to
12:45:06 11 start tipping like our drivers and such on game
12:45:08 12 drives, because the amount that Noonan was giving
12:45:11 13 was so insulting that he was afraid it was going to
12:45:13 14 impact his professional relationships with them.

12:45:16 15 And would constantly, you know, say like,
12:45:19 16 oh, I don't understand what you're saying to
12:45:21 17 someone who was very articulate, it's not that hard
12:45:25 18 to understand someone who has English as a second
12:45:29 19 language.

12:45:30 20 And, honestly, it's really impressive for
12:45:31 21 anyone to have learned English as a second
12:45:31 22 language. So just to begin with he was terrible
12:45:35 23 and I was embarrassed to be with him in that

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12:46:57 1 be asking Hannah Whelan and [REDACTED] about their bowel
12:47:00 2 movements at every opportunity, so we tried to keep
12:47:01 3 them in a separate car when we could, it was
12:47:04 4 constant.

12:47:05 5 We talked to our guide, Manjeet, because he
12:47:10 6 was witnessing all of this firsthand as well and
12:47:12 7 was really feeling sorry for us and saw the
12:47:15 8 position we were in. It was you unending, it was
12:47:21 9 unending.

12:47:23 10 Q. When you were in India, did you share
12:47:25 11 these concerns with any Canisius employee?

12:47:34 12 A. When we were in India?

12:47:36 13 Q. Yes.

12:47:37 14 A. There was no way to do so, so, no.

12:47:39 15 Q. Did you e-mail anyone on the trip about
12:47:43 16 your concerns?

12:47:44 17 MS. NANAU: Objection to the form, you may
12:47:47 18 answer.

12:47:47 19 THE WITNESS: No, again, we really didn't
12:47:50 20 have the connectivity to be able to do so even if
12:47:54 21 we wanted to.

12:47:55 22 BY MS. NAASSANA:

12:47:55 23 Q. When was the first time you reported

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14:31:36 1 **Q.** Okay. So on February 21st, 2019 you
14:31:57 2 were informed that Dr. Noonan -- that you had been
14:32:01 3 informed of the university's decision to place
14:32:04 4 Dr. Noonan on involuntary leave, right?

14:32:07 5 **MS. NANAU:** Objection to form, misstates the
14:32:10 6 testimony, you may answer is.

14:32:11 7 **THE WITNESS:** I don't think the word
14:32:13 8 involuntary was necessarily used. But, yes, we
14:32:17 9 were informed he was placed on leave.

14:32:17 10 **BY MS. NAASSANA:**

14:32:17 11 **Q.** Did Dr. Noonan ever communicate with
14:32:19 12 you in any way either via e-mail, text, social
14:32:25 13 media, phone or any other medium after
14:32:28 14 February 21st, 2019?

14:32:29 15 **A.** To me, personally, no.

14:32:33 16 **Q.** Were you aware that Dr. Noonan was away
14:32:35 17 and traveling from -- and he was away from the
14:32:38 18 campus during the period from February 14th to
14:32:42 19 February 21st, 2019?

14:32:44 20 **A.** No, I was not.

14:32:45 21 **Q.** Okay.

14:32:46 22 **A.** We found out after the fact, which is
14:32:49 23 when Hannah Whelan e-mailed in a panic to Linda

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14:32:53 1 asking if he was away with students, because we
14:32:56 2 didn't know he was traveling until we had heard
14:32:59 3 through someone else that maybe he was and had
14:33:02 4 students with him.

14:33:02 5 **Q.** So when did you learn that Dr. Noonan
14:33:05 6 was away and off campus?

14:33:07 7 **A.** Whatever day Hannah Whelan sent that
14:33:10 8 e-mail.

14:33:22 9 **MS. NAASSANA:** May I have this marked.

14:33:22 10 **The following was marked for Identification:**

11 **EXH. Z Text Message String**

14:33:22 12 **BY MS. NAASSANA:**

14:33:50 13 **Q.** I'm just going to ask you about P1048
14:33:54 14 and P1055 and the first page, sorry.

14:35:55 15 **A.** Okay.

14:35:56 16 **Q.** You read through it?

14:35:57 17 **A.** Uh-huh.

14:35:57 18 **Q.** Okay. So on the first page it says C
14:36:03 19 in a bubble and then it says Cici, is that
14:36:06 20 referring to you?

14:36:07 21 **A.** Yes.

14:36:07 22 **Q.** And the first page is time stamped
14:36:10 23 February 15th, 2019, right?

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14:36:12 1 **A.** Yes.

14:36:12 2 **Q.** Okay. And then on the next

14:36:15 3 page there's a screenshot of an e-mail from

14:36:19 4 Dr. Hogan that was sent by [REDACTED] Is that
14:36:22 5 right?

14:36:22 6 **A.** Correct.

14:36:23 7 **Q.** Did you receive this text message?

14:36:25 8 **A.** I did, yes.

14:36:26 9 **Q.** Okay. That screenshot states -- of the
14:36:34 10 e-mail from Dr. Hogan states, yes, Dr. Noonan will
14:36:39 11 be returning from a trip Wednesday evening.

14:36:41 12 She will be meeting with him Thursday a.m.

14:36:44 13 So you knew on February 15th, 2019 that Dr. Noonan
14:36:49 14 would not be returning from a trip until next
14:36:53 15 Wednesday evening, right?

14:36:56 16 **A.** I mean --

14:36:57 17 **MS. NANAU:** Objection to the form of the
14:36:58 18 question, you can answer.

14:36:59 19 **THE WITNESS:** Yes, I saw through this very
14:37:06 20 piecemeal communication that he was returning from
14:37:09 21 a trip Wednesday evening.

14:37:11 22 **BY MS. NAASSANA:**

14:37:12 23 **Q.** Okay. And then on page P1055 there's

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14:37:19 1 another screenshot of an e-mail from
14:37:25 2 Ms. Walleshauser. Did you receive this screenshot
14:37:29 3 from Hannah Whelan on February 15th, 2019?

14:37:33 4 **A.** Yes.

14:37:34 5 **Q.** The screenshot of the e-mail from
14:37:37 6 Ms. Walleshauser states, hello, Hannah. Dr. Noonan
14:37:39 7 is traveling but not with students and won't be
14:37:42 8 back until next Thursday a.m.

14:37:45 9 I can assure you that these concerns have
14:37:47 10 been taken seriously and Dr. Hogan will be
14:37:50 11 following up with you all immediately following on
14:37:51 12 the 21st. Please call me if you have any other
14:37:56 13 concerns.

14:37:58 14 **A.** Is there a question?

14:37:59 15 **Q.** It's coming.

14:38:00 16 **A.** Okay. Sorry. I genuinely just wasn't
14:38:05 17 sure if I missed it.

14:38:06 18 **Q.** No. Dr. Hogan did, in fact, follow up
14:38:12 19 with you as promised on February 21st, correct?

14:38:16 20 **MS. NANAU:** Objection, asked and answered.

14:38:19 21 **THE WITNESS:** Yes, she did.

14:38:20 22 **BY MS. NAASSANA:**

14:38:20 23 **Q.** Okay. There was a question. Okay.

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15:13:13 1 answer if you can.

15:13:14 2 **THE WITNESS:** I don't remember any other
15:13:15 3 options that we discussed.

15:13:18 4 **BY MS. NAASSANA:**

15:13:19 5 **Q.** So it's possible you discussed
15:13:21 6 alternate arrangements, but you just don't
15:13:24 7 remember?

15:13:24 8 **MS. NANAU:** Objection to the form, you may
15:13:25 9 answer.

15:13:26 10 **THE WITNESS:** Yes.

15:13:39 11 **BY MS. NAASSANA:**

15:13:40 12 **Q.** Did you receive a grade -- strike that.
15:13:42 13 What grade did you receive for the Project
15:13:46 14 Tiger course?

15:13:46 15 **A.** I don't remember, probably an A.

15:13:52 16 **Q.** Have you ever identified that podcast
15:13:54 17 work on your CV at any time?

15:13:58 18 **A.** Yeah, I mentioned it in passing on
15:14:02 19 different résumés.

15:14:18 20 **Q.** Did the podcasts continue after this
15:14:22 21 course related work ended?

15:14:23 22 **MS. NANAU:** Objection to the form, you can
15:14:24 23 answer if you can.

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15:50:01 1 was the nature of the research I did with him.

15:50:03 2 And I knew he was a subject matter expert in
15:50:06 3 that area. So I reached out to him, because I
15:50:11 4 thought he would be able to give me impactful
15:50:16 5 feedback.

15:50:16 6 **BY MS. NAASSANA:**

15:50:17 7 **Q.** Do you think he gave you impactful
15:50:20 8 feedback?

15:50:20 9 **A.** Yeah, I think his feedback was helpful.

15:50:38 10 **MS. NAASSANA:** Do you mind if we take a
15:50:41 11 five-minute break.

15:50:42 12 (A recess was then taken at 3:50 p.m.)

15:55:19 13 **BY MS. NAASSANA:**

15:55:22 14 **Q.** Ms. Wood, did there come a time when
15:55:24 15 you received counseling support at Canisius?

15:55:30 16 **A.** I went to the counseling center once my
15:55:34 17 freshman year, so my first -- I think it was my
15:55:39 18 first semester at Canisius.

15:55:42 19 I was going through like a rough breakup and
15:55:45 20 wanted to talk to someone. It was underwhelming.
15:55:52 21 I went back for a follow-up the following week and
15:55:57 22 the man I talked to, whose name I can't even
15:56:00 23 remember, he completely forgot me.

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15:56:03 1 And like I went in with him. He wasn't like
15:56:07 2 so how have you been. He introduced himself again
15:56:09 3 and so that was the last time I went there.

15:56:14 4 **Q.** How many appointments did you go to?

15:56:17 5 **A.** That would be two.

15:56:24 6 **Q.** Do you remember the name of the
15:56:26 7 counselor or therapist that you saw?

15:56:30 8 **A.** No.

15:56:32 9 **MS. NAASSANA:** We previously requested an
15:56:34 10 authorization for the release of Ms. Wood's
15:56:37 11 records, if any, from the Canisius Counseling
15:56:40 12 Center and we have not received them, so...

15:56:42 13 **MS. NANAU:** Right, there's no treatment in
15:56:42 14 that testimony, right. She wasn't treated. She
15:56:44 15 went to an initial session, she went back and he
15:56:46 16 didn't even recognize her.

15:56:48 17 She doesn't recall the name of the
15:56:50 18 therapist, there was no therapy provided. So if
15:56:55 19 you want the HIPAA, then we'll give you a HIPAA,
15:56:58 20 but there was no treatment.

15:57:00 21 **MS. NAASSANA:** I don't understand what you
15:57:02 22 mean by no treatment. You visited the Canisius
15:57:03 23 Counseling Center your freshman year, correct?

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1 STATE OF NEW YORK)

2 ss:

3 COUNTY OF ERIE)

4

5 I DO HEREBY CERTIFY as a Notary Public in and
6 for the State of New York, that I did attend and
7 report the foregoing deposition, which was taken
8 down by me in a verbatim manner by means of machine
9 shorthand. Further, that the deposition was then
10 reduced to writing in my presence and under my
11 direction. That the deposition was taken to be
12 used in the foregoing entitled action. That the
13 said deponent, before examination, was duly sworn
14 to testify to the truth, the whole truth and
15 nothing but the truth, relative to said action.

16

17

18

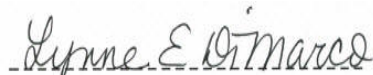
19

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LYNNE E. DiMARCO,
Notary Public.

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